

# USA RDECOM Contracting Center 2009 Year In Review

## *INTRODUCTION*

The US Army Research, Development and Engineering Command Contracting Center Year In Review is a publication of the US Army RDECOM Contracting Center (RDECOM CC). Articles contained in this publication do not represent the official position of the United States Government or any of its agencies. Articles are published for informational purposes only.

The RDECOM CC Year In Review publishes acquisition information, best practices, application, and innovation by RDECOM CC contracting professionals in the course of business and communicates significant issues and events affecting RDECOM CC acquisition.

Articles may be submitted for consideration anytime throughout the year.

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## **Congratulations on a highly successful FY 2009 and welcome to FY 2010!**

I want to take this time to THANK each and every one of you for your dedication, hard work, professionalism, and superior customer support throughout FY 09. Our contracting center continued to demonstrate why it has an Army-wide reputation for excellence. We not only awarded more contract actions and contract dollars – 23,000 actions and over \$7B – than in any previous year, we also supported an increasing variety of customers.

It has been a great pleasure to be the Director of this Center for the past year. We not only provide world-class contracting support for the Army's Research, Development and Engineering mission, we support a highly diverse set of Army and Joint Service Customers – Army Test Command, JPEO Chem/BIO, Army Security Assistance Command, Army Environmental Command, PEO Soldier, Installation Management Command, Training and Doctrine Command, Army Chemical Materials Agency, US Marine Corps, Combined Security Transition Command – Afghanistan, JIEDDO, and selected HQs DA Programs.

The new fiscal year will continue to challenge us. The Army remains at war with the primary effort shifting to Afghanistan. Warfighter support must remain our #1 focus and it will. Additionally, many of our customers are in transition due to BRAC and others due to a desire to consolidate their contracting support. We will see increases and new customers as a result of these efforts. We have begun plans to increase our workforce and our facilities to house them. We have 39 new interns to start FY 10 with and a concept plan requesting the Army resource us with 91 additional Direct Funded spaces.

Again, let me express my sincere appreciation for all that each of you did to make this past year a success for our customers. I look forward to FY 10 with great anticipation because I know our Center has the best Workforce in Army Contracting.

Hooah!

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## **AMSCA Preparing the Acquisition Workforce One Intern at a Time**

In June of 2009 two of my fellow cohorts and I entered the Department of the Army intern Program as Contract Specialist. We were all in search of a career change with an unlimited growth potential. As we began to get acclimated to the Army way of doing things specifically adjusting to the Test Environment we learned quickly we joined a Learning Organization.

Our Deputy Director, Sheila D. McClelland gave us our orientation. During our first meeting she gave us the history of the organization from its inception and she expressed her desire for us to go forth and do great things. Ms. McClelland shared with us the Acquisition Training Plan she mapped out for us, which included us being on track to complete the coursework for the Level Three Contracting Certification by the end of our program. Ms. McClelland explained to us that we were entering the Acquisition Workforce during a period of growth. She also explained if we desired to be competitive in the 1102 field, we will have to be prepared. The baseline objective for us when we complete our program is to be able to go to any Contracting Office on any installation and execute. The training opportunities are readily available for us to attend the courses required for us to obtain our Defense Acquisition University (DAU) certifications. Ms. McClelland also informed us that we were required to take Leadership Training before it became a mandate for the Intern Program.

The staff welcomed us when we arrived and everyone pitched in with our training. Whenever we have questions the seasoned Contract Specialist may not answer our questions direct, but they give us just enough to prompt us in the right direction to look up the answer in the FAR. After we find the answer we discuss why we selected the answer and receive feedback.

As a true Learning Organization, the Army Test Evaluation Command (ATEC) Mission Support Contracting Activity (AMSCA) ensures training for its employees is accessible without issues. There are several people completing their post graduate education in our office in addition to juggling their work loads and other outside obligations.

After three months of on the job training we experienced our first Year End. We processed most of the Simplified Acquisition Purchases for the organization and we made a positive contribution to decrease the office workload. We are a unique organization in the sense that our primary customers are located on six installations across the Army.

After five months we are on our separate teams, no two days are the same, and we are executing like we are seasoned veterans. We are still learning new things every day, but for workers with a little experience under our belts, we gladly welcome the days filled with unexpected events. Having a plan in place

for the Interns truly helps AMSCA prepare the Acquisition Workforce one Intern at a time.

Contributed by: Summer Wilson, AMSCA, 254-288-1387

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## **Framingham State College Alumni Reception at the Natick Soldier Systems Center**

Nearly thirty Framingham State College alumni employed at the U.S. Army Natick Soldier Systems Center joined a group of faculty and staff from their alma mater for a luncheon hosted on the installation by the College on Tuesday, 25 August 2009. The event was held in the ballroom of the Lord Community Center. The distinguished guests included the President of Framingham State College, Dr. Timothy J. Flanagan, his wife, Anna, Academic Vice President, Dr. Robert Martin, faculty from the various academic departments and College staff.

Throughout the luncheon, the faculty and staff enjoyed hearing of the accomplishments of the alumni and how their education at the College has played a vital role in their personal and professional successes in life. The textile and chemical departments were singled out as having worked in conjunction with various Framingham State students on a number of different projects. The Soldier System Center was even included in a 5 page spread of the College's new textbook entitled, "Research Methods for the Fashion Industry".

Mark Marchioli, a Contract Specialist and 2006 graduate of Framingham State College, and Nathan Jordan also a Contract Specialist and 2007 graduate, attended the event, representing the RDECOM Contracting Center, Natick Contracting Division (NCD).

President Flanagan discussed the long-standing tradition of cooperation between the Soldier Systems Center and Framingham State College. He stressed the importance that the installation has in fostering internship opportunities for current students and for providing jobs to recent graduates and the surrounding community as a whole.

Attendee, Chris Ta, a 2006 graduate and current budget analyst for Product Management – Force Sustainment Systems, said, "It's easy to appreciate the time that the College puts into connecting with their Alumni and it says a lot about Framingham State that they are continually trying to strengthen the bonds between the College and the installation. It makes me proud to be a member of institutions, an FSC alum and a U.S. Army civilian employee!"

After the luncheon, the group from the College was taken on a tour through the different laboratories and shown demonstrations of on going projects at the base. The purpose of the visit was to maintain the strong partnership between academia and the installation as the two institutions are located a mere five miles apart.

Contributed by Nate Jordan '07 Contract Specialist Intern and Mark A. Marchioli '06 Contract Specialist, RDECOM-CC-NCD

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## **Natick Contracting Division awards Prime Vendor Contract**

Natick Contracting Division (NCD) has awarded the Prime Vendor Contract (PVC) to Science Applications International Corporation (SAIC). This is a five-year IDIQ contract for emergence medical equipment purchasing through the Prime Vendor's negotiated web-based purchasing resources. The customer is the USMC. This effort is a follow-on to our successful PVC that we inherited from the Marine Corps in 2007.

NCD convened the Source Selection Evaluation Board (SSEB) for this formal source selection. The technical evaluation team consisted of the Project Manager from the Marine Corps, the contracting officer, contract specialists, ordering officers, price analyst, and legal counsel.

The Prime Vendor Solicitation was issued on 15 Oct 08, and the offerors were debriefed on 26 Apr 09. The contract was awarded on 15 June 2009.

One of the challenges inherent in the PVC program relates to price reasonableness, in a situation where the Army must rely on a private vendor's purchasing system. In this respect, the contract provisions are akin to the relationship between the prime and its subcontractors, where the prime vendor is responsible for performing sub-contract price analysis in accordance with DFAR 215-4. All supply and equipment items purchased under the Prime Vendor contract are proposed to the customer's Technical Evaluation team for their review, analysis, and approval. Once given, the Purchase Request or MIPR is forwarded to NCD for award. All individual items pricing from the various suppliers has already been evaluated and determined to be acceptable by the technical evaluation team and the cost evaluation team upon award of the PVC. The pricing is again evaluated by the NCD KO's team before the delivery orders are executed. The Prime Vendor's direct and indirect cost rates are audited and approved by DCAA as provisional billing rates for the specified contract period.

The Prime Vendor contract is one of the Indefinite Delivery/Indefinite Quantity (IDIQ) contract vehicles with a multi-year purchasing arrangement for ease of ordering. Under the terms of the contract, the Prime Vendor serves as the clearing house for a multitude of supplies and equipment provided by distributors. One advantage of the process is that the Prime Vendor negotiates special distributor-status purchasing terms with their suppliers, offering lowest pricing consideration. This PVC provides for a timely and cost-effective Prepositioned Equipment Program (PEP) for known soldier requirements critical to mission accomplishment. PEP consists of standardized equipment Pods that are located in designated geographic areas to permit rapid deployment of equipment and personnel to incidents involving the use of weapons of mass destruction (WMD).



Since 1980, SAIC has been a premier provider of complete lifecycle solutions for defense and homeland security. The contractor focuses on total solutions for all hazards preparedness. The company's interdisciplinary approach to solutions emphasizes the integration of substantive expertise with scientific, engineering, and information technology disciplines to build and provide products that are responsive to customer needs. SAIC offers customers an experience base of more than 26 years of expertise centered on Chemical, Biological, Radiological, Nuclear and Explosive preparedness and disaster response programs that provide total solutions for today's defense and homeland security missions.

Contract number W911QY-09-D-0012 with Science Applications International Corporation(SAIC), awarded 15 Jun 09 as a five-year IDIQ contract. The estimated total contract value is \$96 million.

Team: Vincent Valastro (Contracting Officer), Steve Abate, Chris Burchstead, Renee Couturier

Contributed by: Chris Burchstead, Procurement Analyst, CCRD-NA, DSN 256-4622

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## **Natick Contracting Division Awards Contracts for Medical Research**

The Natick Contracting Division (NCD) has awarded two IDIQ contracts with Camris International, Inc. for extensive medical research and development programs in support of the Naval Health Research Center, Bureau of Medicine.

Contracts were executed in July 2009 (W911QY-09-D-0021 - \$10 million) and September 2009 (W911QY-09-D-0046 - \$20 million). These are five-year Indefinite Delivery, Indefinite Quantity (IDIQ) programs.

Both these contracting programs were best value source selections. The major obstacle in effecting the awards was the time constraints placed on the funding. The successful completion of this program required an extensive team effort with considerable overtime.

These efforts provide operational and research support services in support of the Naval Medical Research Center Detachment Peru (NMRCD-Peru). Under these contracts, CAMRIS will support NMRCD-Peru and its tropical medicine research and surveillance program including research in virology, entomology, bacteriology and parasitology. The program also supports operations of the NMRCD-Peru field research laboratory located in the city of Iquitos in the Peruvian Amazon, with approximately 100 full time personnel. Hosted by the Peruvian Navy and collocated at their flagship hospital in Lima, NMRCD-Peru conducts research on and surveillance of a wide range of infectious diseases that threaten military operations in the region. They include malaria and dengue fever, yellow fever, viral encephalitides, leishmaniasis, Chagas' disease, and enteric diseases such as shigellosis and typhoid fever. NMRCD-Peru partners with the Peruvian Army and Navy and works closely with prestigious universities and a close and productive relationship with the Ministry of Health and collaborates with USAID, U.S. CDC, U.S. NIH and WHO/PAHO. The research agenda includes prevention strategies, clinical management and trials, chemotherapeutics, immuno- and molecular rapid diagnostics, epidemiology, and ecology as well as social and economic impact.

The purpose of this contract is to provide support for Naval Medical Research Center (NMRC) under the Chief of the Bureau of Medicine and Surgery (BUMED) and their subordinate research and development commands over the next five years as they carry out their mission objectives. These include: development of health care policy; health care delivery; research, development, tests, and evaluations; and to serve as an effective instrument of U.S. Foreign Policy by initiating and continuing programs which promote positive relations around the world.

CAMRIS International, Inc. is a leading professional services company. Now in its 53rd year, CAMRIS has a long history of servicing Federal and international

government clients having completed over 1,100 projects in more than 35 countries. CAMRIS is a certified 8(a)/SDB, Service Disabled Veteran-Owned Business.

Contracting Teams:

W911QY-09-D-0021: Mr. Sean Murphy, Chief, Soldier Systems Branch, NCD; Mr. Richard Alves, Contracting officer; Mr. David Mark, Contract Specialist; Ms. Renee Couturier, Price Analyst.

W911QY-09-D-0046: Ms. Darlene Rideout, Contracting Officer; Ms. Valerie DeAngelis, Contract Specialist; Ms. Renee Couturier, Price Analyst.

Contributed by: Chris Burchstead, Procurement Analyst, CCRD-NA, DSN 256-4622

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## **President Obama Signs The National Defense Authorization Act (NDAA) for FY 2010 on 29 Oct 09**

Although implementation guidance has yet to be issued, highlights of the Act follow:

Sec. 801, Temporary Authority to Acquire Products and Services Produced in Countries Along a Major Route of Supply to Afghanistan; Report: permits limited competition and a preference for products or services that are from one or more countries along a major route of supply to Afghanistan provided Secretarial D&F is executed.

- Sec. 802, Assessment of Improvements in Service Contracting: Requires an independent assessment of improvements in the procurement and oversight of service contracts within DoD, to include an assessment of the effectiveness of peer reviews and whether such reviews are being conducted at the appropriate dollar threshold. NLT 10 Mar 10, the Under Secretary shall submit a report to the congressional defense committees.

- Sec. 804, Implementation of New Acquisition Process for Information Technology Systems: Requires the SECDEF to develop and implement a new acquisition process for information technology systems. The process must be designed to include early and continual involvement of the user, capability for multiple and rapidly executed increments or releases, early and successive prototyping to support an evolutionary approach, and a modular, open-systems approach. Report to Congress is due NLT 270 days after Act is signed.

- Sec. 807, Policy and Requirements to Ensure the Safety of Facilities, Infrastructure, and Equipment for Military Operations: Requires that facilities, infrastructure, or equipment intended for use by military or civilian personnel be inspected for safety and habitability prior to use, and be brought into compliance with generally accepted standards for safety and health. NLT 60 days after the Act, the SECDEF shall ensure that each contract, task or delivery order for the construction, installation, repair, maintenance or operation of facilities for use by military or civilian personnel comply with this policy. Contracts entered into prior to that time should comply with policy to the max extent practicable. DFARS case 2009-D029 has been opened to implement Sec. 807.

- Sec. 811, Justification and Approval of Sole Source Contracts: Requires that the FAR be revised within 180 days of the Act to provide that the head of agency may not award a sole-source contract in a "covered procurement" for an amount exceeding \$20M unless a J&A is properly prepared and approved. "Covered procurements" refers to sole source 8(a) contracts. FAR 19.805-1(b) allows the SBA to accept to accept such requirements for a sole source 8(a) award if there is not reasonable expectation that at least two eligible 8(a) firms will submit fairly

priced offers or if the SBA accepts the requirement on behalf of a concern owned by an Indian tribe or ANC. FAR 6.302-5 does not currently require a J&A for a sole source award under the 8(a) program. Sec. 811 will add the J&A requirement for sole source 8(a) awards over \$20M. FAR case 2009-038 has been opened to implement Sec. 811.

- Sec. 812, Revision of Defense Supplement Relating to Payment of Costs Prior to Definitization: requires a revision to the DFARS limiting reimbursement of costs and payment of profit/fee with respect to costs incurred before definitization of any undefinitized contractual action.

- Sec. 816, Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items: Extends the test program for certain commercial items under FAR Subpart 13.5 to 1 Jan 2012. FAR case 2009-035 has been opened to implement Sec. 816.

- Sec. 820, Publication of Notification of Bundling of Contracts of the DoD: Requires that the KO post a FedBizOpps notification consistent with the requirements of FAR 10.001(c)(2) at least 30 days prior to the release of a solicitation for a bundled contract (as covered by FAR 7.107). The notice must include a brief description of any expected benefits that will be derived as a result of the bundling. DFARS case 2009-D033 has been opened to implement Sec. 820.

- Sec 821, Authority For Government Support Contractors to Have Access to Technical Data Belonging to Prime Contractors: permits a "Covered Government Support Contractor" to have access and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates. "Covered Government Support Contractor" is a term specifically defined in the Act.

- Sec. 823, Authority for SECDEF to Reduce or Deny Award Fees to Companies Found to Jeopardize Health or Safety of Government Personnel: NLT 180 days after the Act, the SECDEF shall revise guidance to ensure that all contracts provide for consideration and reduction or denial of award fees for any covered incidents in which the contractor caused or is liable for serious bodily injury or death of civilian or military personnel through gross negligence or reckless disregard.

- Sec. 831, Enhancement of Expedited Hiring Authority for Defense Acquisition Workforce Positions: Makes some minor wording improvements to 10 USC 1705(h) and extends expedited hiring authority until 30 Sep 15. Authority allows appointment of highly qualified individuals to acquisition positions. See memo issued 23 Dec 08 at

<http://www.cpms.osd.mil/ASSETS/0B20A79A4AEE427CB98B2CCE2D970A6D/expressedhiringauthority-20081223.pdf> and memo issued 24 Feb 09 at <http://www.cpol.army.mil/library/staff/022409-asamra.html>. Presumably new delegation memos will be issued to reflect extended date.

- Sec. 832, Funding of DoD Acquisition Workforce Development Fund: Sec. 852 of the NDAA for FY08, PL 110-181, directed the establishment of the Defense Acquisition Workforce Development Fund (DAWDF). The purpose is to ensure that DoD has an acquisition workforce with the capacity to properly perform the mission, provide oversight of contractor performance, and ensure we receive the best value for the expenditure of public resources. This pot of money is fed by all of DoD. Originally, each military department and defense agency had to remit an amount equal to a designated percentage of the dollars expended for contract services at the end of each quarter. Sec. 832 changes some of the rules about how the pot is funded and changes remittance to fiscal year instead of each quarter.

- Sec. 834, Review of Federal Acquisition Workforce and Training: Requires Comptroller General to submit a report to Congress assessing the Government-wide Acquisition Workforce Development Strategic Plan. Report is due NLT 180 days after the plan is completed.

- Sec. 845, Study on the Use of Factors Other than Cost or Price as the Predominate Factors in Evaluating Competitive Proposals for Defense Procurement Contracts: Requires the Comptroller General to conduct a study of DoD procurements in which factors other than C/P, when combined, are more important than C/P. Report is due NLT one year after the Act.

- Sec. 847, Extension of SBIR and STTR Programs of the Department of Defense: extends both programs through fiscal year 2010.

- Sec. 1901, Credit for Unused Sick Leave: permits computing an “applicable percentage” of unused sick leave of an employee who retires on an immediate annuity for days the employee has not received payment. These days will not be counted in determining average pay or annuity eligibility. “Applicable percentage” means 50% in the case of an annuity, based on a death or other separation, entitlement occurring during the period beginning on the date of this paragraph and ending 31 Dec 2013; and 100% occurring after 31 Dec 2013.

NDAA 2010 is available at: <http://www.pubklaw.com/legis/hr2647.pdf>.

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## Procurement From Federal Prison Industries

Agencies are encouraged to purchase Federal Prison Industries' (FPI or UNICOR) supplies and services to the maximum extent practicable. (FAR 8.601(e)) FPI divides its products into 7 general categories: clothing & textiles, office furniture, industrial products, electronics, recycling, fleet solutions and services. The FPI Schedule contains a complete listing of supplies and services and can be accessed at <http://www.unicor.gov>.

### *"MANDATORY" SUPPLIES*

- The FPI Schedule identifies some, but not all, of its supplies as "mandatory." Previously, FPI was a mandatory source within the Federal Government for these identified supplies. Now, these "mandatory" supplies may be purchased from private industry if the FPI items are not comparable to private sector items.
- Before buying any supply identified as mandatory in the FPI Schedule, conduct market research to determine whether the FPI item is comparable to the private industry supplies that best meet the Government's needs in terms of (1) price, (2) quality, and (3) time of delivery. (FAR 8.602(a)(1))
  - This comparability determination is a unilateral determination of the contracting officer and cannot be appealed or challenged by FPI. (FAR 8.602(a)(1))
  - Whether comparable or not, the contracting officer must prepare a written determination that includes supporting rationale explaining the assessment of price, quality, and time of delivery, based on the results of market research comparing the FPI item to supplies available from the private sector. (FAR 8.602(a)(2))
- If the FPI mandatory supply item is determined to be comparable, the contracting officer must purchase the supplies from FPI.
  - If FPI cannot provide the item, it will grant the agency a waiver to purchase from the private sector.
  - If FPI can provide the item, but the agency still does not want to purchase from FPI, the agency may seek a waiver (either blanket or one-time) from FPI requesting permission to purchase from another source. Procedures for requesting a waiver can be found at <http://www.unicor.gov>. (FAR 8.604)
- If the FPI item is not comparable in one or more of the areas of price, quality, and time of delivery, the contracting officer should acquire the item via competitive procedures (or fair opportunity procedures in the case of a multiple award delivery-order contract).

- In addition, the contracting officer should advise FPI of the competition and must consider a timely offer by FPI. (FAR 8.602(a)(4))
- If the competition is set aside for small business pursuant to FAR Subpart 19.5, the agency must still consider an offer from FPI. (FAR 19.504)
- EXCEPTIONS - Purchase of a mandatory supply from FPI is not mandatory and neither a waiver nor comparability determination is required if –
  - Public exigency requires immediate delivery/performance; (FAR 8.605, 18.601)
  - Suitable used or excess supplies are available; (FAR 8.605)
  - The supplies are acquired and used outside the United States; (FAR 8.605)
  - The mandatory items acquired total \$3,000 or less; (FAR 8.605)
  - The FPI mandatory supplies have 20% or greater share of the federal market. (FPI Resolution). See attached chart for affected Federal Supply Classification Codes.
  - The FPI mandatory supplies have 5% or greater share of the DoD market. (DFARS 208.602-70) See attached chart for affected Federal Supply Classification Codes.
    - Note: Unlike the other exceptions, when acquiring an item for which FPI has a significant DoD market share, the contracting officer must notify FPI of the procurement and consider a timely submission by FPI.

#### *SERVICES AND NON-MANDATORY SUPPLIES*

- If an agency is procuring a service, a supply on FPI's schedule that is non-mandatory, or a supply not listed on FPI's schedule, the contracting officer-
  - Does not have to make a comparability determination;
  - Does not have to specifically inform FPI of the contracting opportunity
  - Does have to consider a timely offer/quote submitted by FPI.

#### *OTHER INFORMATION*

- FPI as a subcontractor (FAR 8.607)
  - An agency cannot require a contractor or subcontractor to use FPI as a subcontractor for either supplies or services.
- FPI and Socioeconomic Programs (FAR 19.1304, 19.1404)
  - The HUBZone, SDVOSB programs and set-aside requirements do not apply to requirements that can be satisfied through award to FPI.
- FPI and Trade Agreements (FAR 25.401(a)(4))
  - The policies and procedures applicable to acquisitions covered by The World Trade Organization Government Procurement Agreement (WTO GPA) and numerous Free Trade Agreements (as identified in FAR Subpart 25.4) are not applicable to acquisitions from FPI.



- FPI and Classified or Sensitive Information (FAR 8.608)
  - Agencies shall not enter into any contract with FPI that allows an inmate worker access to any
    - Classified data;
    - Geographic data regarding the location of utility infrastructure; or
    - Personal or financial information of a private citizen.

*Products for which Federal Prison Industries has a  
Significant (i.e., 20% or Greater) Share of the Federal Market  
Current Federal Supply Classification (FSC) Codes*

FSC	FSC Description
7240	Household/ Commercial Utility Containers
7210	Household Furnishings

This chart is up to date as of 28 Sep 2009. A periodically updated list can be found at:

[http://www.unicor.gov/information/purchasing\\_made\\_simple/purchasingexc.cfm#prod](http://www.unicor.gov/information/purchasing_made_simple/purchasingexc.cfm#prod)

*Products for which Federal Prison Industries has a  
Significant (i.e., 5% or Greater) Share of the DoD Market  
Current Federal Supply Classification (FSC) Codes  
Effective Date: July 3, 2009*

FSC	FSC Description
5440	Scaffolding Equipment & Concrete Forms
5975	Electrical Hardware and Supplies
5995	Cable, cord, wire assemblies; comm equipment
6007	Filters
6150	Miscellaneous Electric Power & Distribution Equipment
6160	Miscellaneous Battery Retaining Fixtures & Liners
7110	Office Furniture
7230	Draperies, Awnings, and Shades
8405	Outerwear, Men's
8415	Clothing, Special Purpose
8420	Underwear and Nightwear, Men's
AP46	Recreation (Management/Support)

This chart is up to date as of 28 Sep 2009. A link to the list, which is periodically updated, can be found at:

[http://www.acq.osd.mil/dpap/cpic/cp/specific\\_policy\\_areas.html#federal\\_prison](http://www.acq.osd.mil/dpap/cpic/cp/specific_policy_areas.html#federal_prison)

Contributed by: Todd Bailey, Attorney Advisor, Office of Chief Counsel, US Army Soldier Systems Center.

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## ACC Revises Deployable Civilian Contracting Cadre (DCCC) Program

ACC is actively soliciting civilian volunteers for its revised DCCC program.

Stood up in June 2006, the Army Contracting Command (ACC) DCCC has been successful in meeting mission requirements and achieving its original goals. During the time span of original program operations, 12 members were successfully deployed to support contingency operations in Iraq, Afghanistan, and Kuwait. All members were recognized for the outstanding work they accomplished by their deployed commanders.

During a program review conducted in March 2008, ACC decided to revise the program. Revisions included a shorter length of service and increased incentives. After careful scrutiny by legal counsel, the program has been revised to offer the maximum incentive within statutory/regulatory limits.

Recruitment for members of the revised program has begun and ACC is actively soliciting volunteers with the following qualifications:

- *Defense Acquisition Workforce Improvement Act* Level II certification in contracting
- Medical clearance
- Dental clearance
- Supervisor's approval

In turn, individuals joining the DCCC will receive the following benefits:

- \$7,500 for being in a deployable status for 1 year.
- 12.5 percent of their adjusted base salary for a 6-month deployment.
- Eligibility for an additional \$7,500 service award upon successful completion of the deployment.

Other incentives include foreign post differential and danger pay. These incentives are established by the Department of State and are subject to change. Current foreign post differential/danger pay incentives are as follows:

- Iraq: 35 percent/35 percent
- Afghanistan: 35 percent/35 percent
- Saudi Arabia: 20 percent/25 percent
- Kuwait: 20 percent/0 percent
- Qatar: 15 percent/0 percent

If you meet the qualifications and are interested in joining this highly visible, career-enhancing, and rewarding program, please contact Sharon Seiffert at (256) 450-9072 or **sharon.seiffert@us.army.mil**.

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## **DOD Creates New Competition Training Tool**

Defense Procurement, Acquisition Policy, and Strategic Sourcing (DPAPSS) Director Shay Assad issued a memorandum introducing a standardized competition training tool. The tool is developed to educate and focus all DoD agencies on current competition policy and guidance, reiterate the importance of competition, and highlight opportunities to increase competition in government acquisition.

In Fiscal Year 2008, DOD competitive obligations totaled \$252 billion, a record 64 percent of DOD obligations. While this is better than DOD's ten year average of 61 percent, Mr. Assad stresses that we must continue to emphasize the importance of competition and take appropriate action to overcome barriers and reach our competitive obligations goals in the years to come.

To facilitate this effort, a working group of representatives from various DOD components developed a standardized competition training tool to educate and focus all DOD agencies on current competition policy and guidance, reiterate the importance and benefits of competition, and highlight opportunities to increase competition in government acquisitions. The training is available at <http://www.acq.osd.mil/dpap/cpic/cp/docs/training.ppt>

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## **Length of Noncompetitive Contracts Limited**

Limiting Length of Noncompetitive Contracts in “Unusual and Compelling Urgency” Circumstances (FAR Case 2007–008)

A final rule implementing the requirements of section 862 of the Duncan Hunter National Defense Authorization Act (NDAA) for Fiscal Year 2009 (Pub. L. 110–417) amends the FAR to require that contracts awarded under the authority of FAR 6.302–2, Unusual and Compelling Urgency, may not exceed the time necessary to meet the unusual and compelling requirements or may not exceed the time for the agency to enter into another contract for the required goods and services through the use of competitive procedures. The rule explains further limitations to include that such contracts may not exceed one year unless the head of the agency entering into the contract determines that “exceptional circumstances” apply. These limitations apply to any contract in an amount greater than the simplified acquisition threshold.

The “exceptional circumstances” determination is in addition to the approval of the justification and may be made after contract award if making the determination prior to award would unnecessarily delay the award.

The rule applies to any contract in an amount greater than the simplified acquisition threshold.

See FAC 2005-37 – 14 Oct 09, Federal Register Rules & Regulations, Pages 52846-52862 <http://www.pubklaw.com/facs/fac2005-37.pdf>

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## **Peer Reviews Established as Mandatory Element in Pre and Post Award Administration**

On June 19, 2009, the RDECOM Contracting Center Principal Assistant Responsible for Contracting issued Center wide policy on Peer Reviews of contracts for supplies and services. This policy was issued in response to OSD and DASA PP directives.

The overarching goal of peer reviews is to review and assess the pre solicitation, solicitation, contract and post-award documents contract administration to insure that each procurement represents a good value to the Government and an appropriate use of taxpayer's funds. Additionally, these reviews are to insure consistency, sufficiency, compliance and application of sound business practices.

Pre and post award peer reviews are required for all procurements for supplies and services valued at \$100K or more for which the solicitation was issued after 30 Sep 2008. Procurements valued at \$50M and more will be approved by a Solicitation Review Board (SRB) and a Contract Review Board (CRB).

DOD will conduct pre and post award peer reviews for acquisition with an estimated value exceeding \$1B; for acquisitions that exceed \$250M up to \$1B the Head of the Contracting Activity (HCA) is the Peer Review chairperson; The PARC is the chairperson for actions valued from \$50M to less than \$250; the RDECOM CC Division Chief from \$1M to less than \$50M; and the Division Chief's designee for actions valued \$100K to less than \$1M.

Peer reviews for actions valued at \$1B to \$50M are conducted by a team of independent, multi-functional senior level experts. Additionally, for non-competitive procurements, the competition advocate who is responsible for approving the Justification and Approval (J&A) will serve on the board.

Toolkits, instructions and additional guidance on Peer Reviews are available in the RDECOM CC Standard Operating Procedure (SOP) on the web at [http://www.rdecom-ac.army.mil/rdecomcc\\_sop.pdf](http://www.rdecom-ac.army.mil/rdecomcc_sop.pdf).

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## How to Submit an Article for the RDECOM AC Year In Review

Articles may be written by specialists, contracting officers, directors, division chiefs, or someone on staff. The purpose and information submitted may be to inform the RDECOM AC community how well you are doing in a particular area, laud the achievements in acquisition made by yourself and others in your organization, describe a particular contracting challenge and how you overcame it, what methods you use to make your proposal analyses more accurate, etc.

There is no requirement as to an article's length. All articles are important and no article is too trivial to be included. All articles should include names of all authors, the organization, phone number and appropriate email addresses.

### Limitations:

Articles must not invade individual privacy or violate or infringe on any personal or property rights of others, and must not contain anything libelous or contrary to the law. No article will be published if it contains the following information:

- Copyrighted material.
- Information that is sensitive, classified, or "For Official Use Only".
- Plans or lessons learned which would reveal sensitive military operations, exercises or vulnerabilities.
- References to any information that would reveal sensitive movements of military assets or the location of units, installations or personnel where uncertainty regarding location is an element of the security of a military plan or program.
- Personal information about US citizens, DOD employees and military personnel including:
  - Social Security account numbers
  - Dates of birth
  - Home addresses
  - Telephone numbers other than numbers of duty offices, which are available to the general public.
  - Names, locations, and any other identifying information about family members of DOD employees and military personnel.

Articles may identify individuals other than the author if those other individuals grant permission, but such identification must be limited to name and organization only.

Articles may be submitted any time throughout the year.

The Editor may be reached by phone at Comm. 410 278 0846 or DSN 298 0846.